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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,091	01/22/2002	Eiichi Kito	1259-0221P	3458
2292	7590	12/06/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			GART, MATTHEW S	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	

3625

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,091

Applicant(s)

KITO, EIICHI

Examiner

Matthew S. Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/22/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

The disclosure is objected to because of numerous minor informalities. The disclosure appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski (U.S. Patent Application Publication 2005/0182649 A1).

Referring to claim 1. Parulski discloses an order accepting method, said method comprising the steps of:

- Indicating a menu image in a display panel for inputting ordering information to specify an order placed for a service provided by an associate (Parulski: paragraph 0007); and

- Determining said order information in response to an input signal according to said menu image (Parulski: paragraph 0008);
- Wherein said menu image includes plural regions for setting plural items included in said ordering information, said plural regions including:
 - A service selecting region for selecting one of plural services different from one another (Parulski: paragraph 0049);
 - A common item specifying region for specifying a common item common between said services (Parulski: Fig. 2, “134”); and
 - A conditioning item setting region for setting a conditioning item settable according to said selected service (Parulski: paragraph 0050).

Referring to claim 2. Parulski further discloses a method wherein said plural services are provided by plural associates (Parulski: Fig. 1B: “60, 56, 58, 68 and 64”).

Referring to claim 3. Parulski further discloses a method wherein said plural services are printing services for printing an image (Parulski: Fig. 1B: “58”).

Referring to claim 4. Parulski further discloses a method wherein said ordering information is sent to one of said associates through a communication line, and said one associate is combined with a selected one of said plural services according to said ordering information (Parulski: paragraph 0002).

Referring to claim 5. Parulski further discloses a method wherein said conditioning item setting region is preset individually between said plural associates (Parulski: Fig. 1B: “60, 56, 58, 68 and 64”).

Referring to claim 6. Parulski further discloses a method wherein said conditioning item includes information of a product type of a product according to said service, layout information of said image in said product, and/or information of an amount and/or cost of said product, and wherein said layout information includes information of a size of said product, disposition of said image, and/or a size of said image (Parulski: Fig. 5).

Referring to claim 7. Parulski further discloses a method wherein said plural services include at least one of a service of developing photo film and printing said image, a reprinting service of said image, a printing service according to a template layout of plural images (Parulski: Fig. 1A: "**132, 134 and 136**"), an enlarging printing service of said image, a producing service of a booklet of plural images, a printing service of said image to a sheet, and a printing service of said image to an article (Parulski: Fig. 5).

Referring to claims 8-16. Claims 8-16 are rejected under the same rationale as set forth above in claims 1-7.

Referring to claims 17-21. Claims 17-21 are rejected under the same rationale as set forth above in claims 1-7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parulski, U.S. Patent No. 6,915,273, July 5, 2005, discloses a method for providing customized photoproducts over a network using images captured from a digital camera.

Bryant, Patent Application Publication No. 2004/0205286, October 14, 2004, discloses grouping digital images using a digital camera.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
November 29, 2005